

# Pols seek higher development fines

**by Margie Hyslop**

Staff Writer

A state lawmaker and a county councilman want to increase fines for violations and allow the Planning Board to subpoena witnesses to deter developers from breaking the law.

"Action and reform [are] needed to keep these problems from happening in the future," Del. William A. Bronrott (D-Dist. 16) of Bethesda said Tuesday in announcing his legislation to address the county's ongoing planning scandal.

Bronrott's bill is still being drafted, but he said it would set a ceiling of \$500,000 or \$1,000 per day for violations, but no floor.

State action is needed because the Planning Board is a part of a bi-county agency that is governed by state law.

The Planning Board can fine violators \$500 per day under state law, but seldom does.

Councilman Steven A. Silverman, who appeared with Bronrott on Tuesday, said he and other council members believe that developers see the fines, which seldom top \$500 per building, as a relatively meager cost in a county where most new, detached, single-family homes sell for more than \$600,000.

The thousands of extra dollars that builders can command for higher ceilings and more floor space more than cover any fines.

Bronrott's proposal is one of several being offered to stop builders from ignoring restrictions on where and how they can build. The proposed reforms follow this summer's revelations from a residents group that hundreds of new homes in Clarksburg Town Center violated height and setback restrictions.

Six months ago, the Clarksburg Town Center Advisory Committee shocked the county by proving that a planner had altered documents to make it appear that buildings were not built taller than allowed.

The Planning Board has since found or is considering similar violations.

might overturn penalties based on arguments about when the clock starts on per-day fines, Silverman, a lawyer, said.

"When they see it could result in a \$500,000 violation, my guess is they are going to be a lot more careful," he said.

County Executive Douglas M. Duncan (D) issued a statement supporting Bronrott's proposal and repeating that he wants to move enforcement authority from the Department of Park and Planning, overseen by the council, and move it to the Department of Permitting Services, which reports to the executive.

CTCAC leader Amy Presley, who appeared at Tuesday's announcement, said her group supports, in principle, plans to make penalties tougher and reform the process.

But she stressed that CTCAC is nonpartisan and is not endorsing anyone in next year's elections.

"We'll just endure the political games as everyone tries to get a little piece of Clarksburg," Presley said.

The Clarksburg planner's resignation lifted the lid on a process that the council's Office of Legislative Oversight said wrongly excluded the public when planners allowed developers and planning staff to change plans privately after the board approved them.

Now the public must be notified and allowed to comment on requests for changes after the board sets a plan. And only the planning director, or the board, may approve such changes.

But the Planning Department is still struggling to improve document security and ensure that the public has a voice throughout the process.

The Planning Board is also struggling to cope with more allegations that developers across the county have failed to meet requirements, including building affordable housing units.

Meanwhile, the board has suspended its deliberations on Clarksburg in hopes that CTCAC, developer Newland Communities and various builders can agree on a correction plan.

lations at other sites in the county.

It recently fined Elm Street Development \$6,000 for starting work on the Bethesda Crest townhouse community off Wisconsin Avenue, in Bronrott's district, before a key document was signed.

Neighbors' photos indicated that Elm Street began grading about 82 days before the specifications were signed, giving the board evidence to fine Elm Street about \$41,000.

"The jury is still out on the Planning Board," said Silverman (D-At large) of Silver Spring, who, with other council members, has pushed the Planning Board to make reforms more quickly.

Still, Silverman said, "The problem is nobody can give us assurances that \$500 per day is enforceable — it's a numbers game by the Planning Board."

Giving the board authority to levy a flat fine of up to \$500,000 would reduce chances that a judge

Negotiations were slated to begin Tuesday afternoon. The parties agreed that planning development review chief Rose G. Krasnow and community-based planning chief John A. Carter would sit at the table.

Retired Baltimore County Circuit Court Judge Barbara Kerr Howe is expected to mediate the negotiations, but no agreement has been signed.

The talks are likely to overlap with a session the Planning Board scheduled with Clarksburg residents Tuesday night, after The Gazette's deadline.

Overshadowing both talks is CTCAC's anger over a survey that Newland Vice President Douglas C. Delano sent residents last week. CTCAC said Newland's request that residents rate their level of interest in certain improvements is an attempt to "undermine the mediation" and limit or skew any outcome.